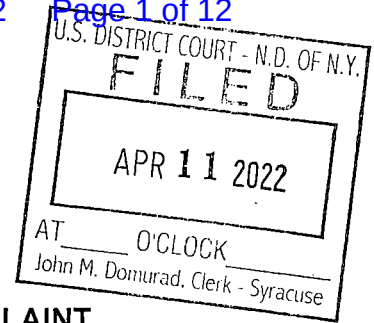


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Chauncey Girard



COMPLAINT
(Pro Se Prisoner)

Plaintiff(s), ^① (LT) John Doe (John Doe) ^② John Doe ^③ John Doe ^{At Incident}
v. (CO) Ballman (CO) Rodger (Comm) (Lt) Bangari
(Dep) Barber (CO) Martin (Lt) Bangari
(Sgt) Davis (CO) Hoik (CO) Castagnier
(Sgt) Goyena (Nurse Administrator) M. Ojida
(Sgt) Hanna (RN) Tylee
(Sgt) Morale (CO) St Louis
(CO) St Louis

Defendant(s).
(CO) El

Case No. _____
(Assigned by Clerk's Office upon filing)

Jury Demand
☒ Yes
☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
☒ Other (please specify) Federal 1983 Assault and Battery Sexual Assault

Deliberate Indifference, failure to protect, Medical Indifference
Adverse Action taken in causal connection for my Protected Conduct
Due Process Violation of 5th and 14th Amendment 8th Amendment
Hate Crime
Stay assault free
and to receive proper
medical

II. PLAINTIFF(S) INFORMATION

Name: Chavney Grand
 Prisoner ID #: 11A1352
 Place of detention: Franklin C.F.
 Address: P.O. Box 10
Malone New York 12953

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

N/A

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: (Dep) Barber
 Name (Last, First)
(Dep of Program)
 Job Title
Franklin C.F. Po Box 10
 Work Address
Malone New York 12953
 City State Zip Code

Defendant No. 2: St Louis
 Name (Last, First)
Correction Officer
 Job Title

	Franklin CF P.O. Box 10		
	Work Address		
	Malone	New York	12953
	City	State	Zip Code
Defendant No. 3:	(Sgt) Hanna		
	Name (Last, First)		
	Hanna (Sgt)		
	Job Title		
	Malone Franklin CF. PO Box 10		
	Work Address		
	Malone	New York	12953
	City	State	Zip Code
Defendant No. 4:	(CO) Castagnier		
	Name (Last, First)		
	Corrections Officer		
	Job Title		
	Franklin CF. PO Box 10		
	Work Address		
	Malone	New York	12953
	City	State	Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

Continued Defendent(s) Information for Franklin Assault, Battery

Defendent No. 5

(SGT) Dowd
 Name (Last , First)
 (SGT)
 Job Tittle
 Franklin C.F.
 Work Address
 Malone New York 12953
 City State Zip Code

Defendent No. 6

Morale (SGT)
 Name (Last , First)
 (SGT)
 Job Tittle
 Franklin C.F.
 Work Address
 Malone New York 12953
 City State Zip Code

Defendent No. 7

Goyena (SGT)
 Name (Last , First)
 Job Tittle
 Franklin C.F.
 Work Address
 Malone New York 12953
 City State Zip Code

Defendent No. 8

Ballman (Co)
 Name (Last , First)
~~Ballman~~ ~~Co~~ (Co) messhall
 Job Tittle
 Franklin C.F.
 Work Address
 Malone New York 12953
 City State Zip Code

Defendent No. 9

Annucci Anthony
 Name (Last , First)
 Commissioner
 Job Tittle
 1220 Washington Ave Hammen State Campus
 Work Address
 Albany New York 12226
 City State Zip Code

Continued Defendant(s) Information for Franklin Assault, Battery

Defendent	No.10	<u>Bongari (LT)</u>		
		Name (Last , First)		
		<u>(LT)</u>		
		Job Tittle		
		<u>Franklin C.F.</u>		
		Work Address		
		<u>Malone</u>	<u>New York</u>	<u>12953</u>
		City	State	Zip Code
Defendent	No.11	<u>Martin (Co)</u>		
		Name (Last , First)		
		<u>(Co)</u>		
		Job Tittle		
		<u>Franklin C.F.</u>		
		Work Address		
		<u>Malone</u>	<u>New York</u>	<u>12953</u>
		City	State	Zip Code
Defendent	No. 12	<u>Rodgers (Co)</u>		
		Name (Last , First)		
		<u>Correction Officer</u>		
		Job Title		
		<u>Franklin CF</u>		
		Work Address		
		<u>Malone</u>	<u>New York</u>	<u>12953</u>
		City	State	zip Code
Defendent	No. 13	<u>Holt (Co)</u>		
		Name (Last , First)		
		<u>Correction Officer</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address		
		<u>Malone</u>	<u>New York</u>	<u>12953</u>
		City	State	Zip Code
Defendent	No. 14	<u>Tyles RN</u>		
		Name (Last , First)		
		<u>Registered Nurse</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address		
		<u>Malone</u>	<u>New York</u>	<u>12953</u>
		City	State	Zip Code

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On the Month of 4-20-2021 I was transferred from Clinton C.F. to this facility with broken

Injuries of a back injury, a left shoulder injury with loss of Range of Motion, Stomach injury in which I have Blood in Urine, and Right Eye Injury that was losing eye sight, in which I complained to the Medical Department and they put me in the front B-2 Dorm Medical Dorm, in which my injuries became worst so I put in Grievances and Once I started putting in Grievances Medical stopped doing their job and became Deliberate Indifferent As I was, then Denied my medical passes for my back, left shoulder and stomach, front main passes all expired and the Nurses failed to renew them, in which I was then moved to K-2 Dorm in which on the Date of Sep 7-11-2021 I put in for Emergency Sick Call and in stead of going to Emergency Sick Call I was taken into the Laundry Room and Assaulted by (Co) J. St Louis punched in my right eye, splitting it in which it need 10 stitches and went to a Outside Doctor, (SGT) Goyena stated to say it was a slip and fall at the time of response, and I told him that that not what happen and (Co) Hloit slammed my face on the wall with existing injuries, I told him I have injuries, in which he continued to smack me in front of (SGT) Goyena. I went to the Hospital and received stitches at Albany Medical. (See Records 7-12-2021 from Albany Medical and Pictures taken) I was with a Orbital Fracture, Franklin C.F. tried to cover it up and the Medical Department as well in which I told the truth at Albany Medical. I came back to the Infirmary and (RN) Tyler Denied me pain medication the whole time and would often come in with (Co) Hloit and threaten me. I seen Dep Barber During her Rounds in the Infirmary (See Extra Page of Complaint Attached)

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

Battery Assault and Continued Complaint of 1983 at Franklin C.F.

In which I stopped her and at that time I showed her my Stitches and Stated that: ~~She~~ ~~is~~ to me: "I know what your here for and because you said my officers assaulted you I'm not going help you. At that time no later then a half a hour (CO) Hoyt Came in with (RN) Tyles and threatened me stating your lucky your hurt or I would punch in the face myself. I was denied further medical attention when she worked (RN) Tyles, would try and intimidate me by stating I'm going to get the officers in here to Kick your ass. so I would not request for medical. (See Affidavits 128-2).

(DR) Pretty would state the Officers did this to you? I stated yes. she stated then I can't help. I would then get out and Grieve this (See Grievance FRN-0217-21 and FRN-0207-21 Assaulted by Staff. In which (SGT) Goyena and officer Lewis Conspired together to bring retaliation because I stated to them that they beat me up. I was still kept in the back of the facility with the new existing injuries on top of already injuries they wrote me a ticket and further denied medical treatment, where I could only walk a mile to go to the messhall other callout of the facility with the existing injuries and they became worst, for two months I then Grieved it and was placed in the front of the Facility (See Grievance FRN-0205-21) in which (LT) John Doe gave me the max of everything loss of everything Packages, Communcary, Phones, after I told him I was assaulted by staff they kept it a tear 2 to keep it in house. I continued to grieve (SGT) Dowd. would sexually assault me by taking me in a empty room and verbally threaten me. sex (See Grievance) Second Assault and Battery, Sexual Retaliation

Failure to protect Deliberate Indifference Medical Indifference Violation of Due Process 8th 1st, 5th, 14th, and all violations explained including A Hate Crime. Just before this I was put on a fake Draft 10-7-2021 and my legal work was taken by (CO) Martin (Anthony Annucci) never put me back on Draft kept me here to get assaulted again.

In the Date of 2-14-2022 I had a Law Library Callout at 4: PM (CO) Eli was at the Law Library in which I entered the Activity Building and the Hall monitor just before you get to the

Assault and Battery , Sexual Assaults Complaint of 1983 at Franklin CF Con.

to the law library (Co) Castagnier would ask me for ID I gave it to him he told me to step to the side and Ask for my paper work I gave it to him after he took the papers he started to read them and stated "Quote on Quote" you like to see Officers. I stated to him you cant read my paper work, he said shut the fuck up Nigger, I remained silent he said ~~on back~~ get your paper work and Go back I grabbed my paper work, then he followed me I got out the doors and he stated give me your ID, AND gave me a Direct Order to Come back to the Activity Building, Once Again I followed, and went in, As soon as I got into the Entrance him and (Co) Ballman Closed the Doors and (Co) Ballman would choke me and Slam my face on the wall calling me a nigger I was punched in the face by (Co) Ballman twice I told him I have a back permit, left shoulder ~~perjury~~, and a right orbital fracture they both stated where are they at: back permit thrown, (Co) Castagnier would hit me in the back twice, while (Co) ball man Continued to Choke me and punch me in face and calling me a nigger Hate Crime" 8th Amendment violation Maliciously and Sadistically without any disregard for life, Then (Co) Castagnier and 8 other (Co) including two (Sgt) (Sgt) Manna (Sgt) Morale in which (Co) Castagnier he grabbed my Genitals and to hurt It was unwanted and unwarranted I tried to move turn around and (Co) Ballman punched me in the dick and I ask both (Sgt) are you going to just let them do this, and (Co) Castagnier stated he has a little dick and every (Co) who was there started to laugh and I felt humiliated and (Co) Ballman both hit me twice they handcuffed me and tried to Cover it up by trying to move me to the back of the facility. (Sgt) Morale in which they would make a hardship.

Assault and Battery ,Sexual Assault Complaint of 1983 at Franklin CF 3PG

In which they would deny me medical Attention and treatment and I had to state I was suicidal in order to receive treatment 2-15-2022 and a "Plea" was Documented. While down there on 2-20-2022 (CO) Rodgers would threaten to kill me calling me a nigger in the infirmary in which I still had existing injuries in which my face was three times bigger than normal size to still damaged nerves in face a bruise the size of a ~~Bob~~ Bowling ball on my leg, Bruises on Back, Blood in Urine, bruises on face all over, nobody on the Outside helped and I was brought back here false charges were made, in which I was Violated my Due Process Right to Documentary Evidence, (LT) Bangerter would fail to give me any Documents and ~~I made~~ made objections and he would constantly get loud and state he's going to find a way to throw me out and all I did was calmly Object to his investigation and the false ticket and the fact of not having any Documents, and that I was assaulted. In which he gave me the Max Loss of Phones, packages, tablet, Commissary, and Recreation, to keep me away from family. I am still here receiving threats from (CO) Kosterger stating on when he worked this niggers still here (CO) Eli is stating to other Officers yeah we really fucked that nigger up and, he at the time could have help and was deliberate indifferent (see Grievance) I'm still not safe there no cameras OSI was called I would like her testimony I am being Denied my medical Records and UI Reports. All are personally Involved to Cause more pain hurt and anguish I still hurt and need surgery for all pending Injuries

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Excessive force 8th Amendment Sexual Assault
8th Amendment Violation Hate Crime Color
of my skin and Race I was Assaulted

SECOND CLAIM

Adverse Action, In Casual Connection
to my Pending 1983, and Other Law Suits
for my Protected Conduct

THIRD CLAIM

Violation of Due Process I was given
the Max on everything and I had no
Documents VI Reports Just because I told the truth I was
Assaulted

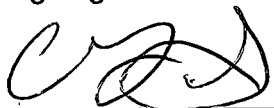
VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

25,000,000.00 Twenty five Million Dollars

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/3-2022


 Plaintiff's signature
 (All plaintiffs must sign the complaint)

AFFADAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF FRANKLIN)

NAME OF DOCUMENTS: Complaint 1983

I, Chenney Grant, being duly sworn, deposes and says :

That I have on this 3rd day of April, 2022, placed and submitted the copies of
the within documents and or moving papers as indicated above, to be duly mailed via the US
Postal Services, through the institutional mailroom here at Franklin CF., 62 Bare Hill Road, PO
Box 10, Malone, New York 12953-0010, in a pre-paid first class wrapper to the following

parties:

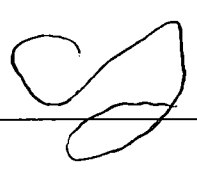
Clerk of the Court
Northern District of New
James Hanley
100 South Clinton PO Box 7367
Syracuse 13261-7367

SWORN TO BEFORE ME THIS

3rd DAY April, 2022.

Deborah A. Gumbus
Notary Public

Deborah A. Gumbus
Reg. No. 01GU6304688
Qualified in Franklin County
Commission Expires June 2, 2027


Franklin Correctional Facility
62 Bare Hill Road, PO Box 10
Malone, New York 12953-0010

FRANKLIN CORRECTIONAL FACILITY
62 BARE HILL ROAD, P.O. BOX 10
MALONE, NEW YORK 12953

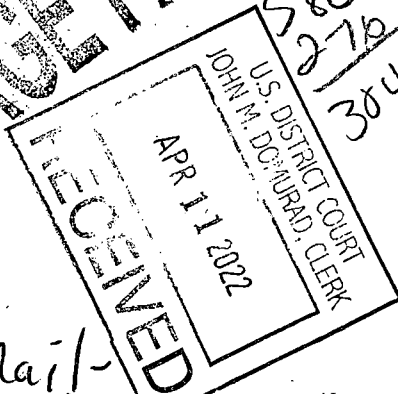
NAME:

Chauncey Girard

DIN

11A1352

POSTAGE PAID



- Legal Mail -

FRANKLIN



CORRECTIONAL FACILITY

neopost

04/07/2022

US POSTAGE

\$002.76⁰⁰



ZIP 12953

041L11251101

*Clerk of the Northern District of
New York James Hanley
100 South Clinton Po Box 7367
Syracuse New York*

13261-7367